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April 1, 2024

Hon. Charles R. Breyer  
United States District Judge  
Phillip Burton Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Courtroom 6 - 17th Floor

Re: *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*, Case No. 3:23-md-03804-CRB

Dear Judge Breyer:

Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively, “Uber”) write regarding the motions to dismiss Uber filed and served today.

Pursuant to Pretrial Order No. 5, Uber has filed six motions to dismiss for failure to state a claim.<sup>1</sup>

Five of the motions seek dismissal of claims based on incidents that are alleged to have occurred in these five states: California, Florida, Illinois, New York, and Texas. As Plaintiffs’ claims are governed by the laws of the different states in which the incidents occurred, most of arguments for dismissal in each motion are tailored to applicable law of the respective states. However, we note for the Court’s convenience that some of the grounds of dismissal are based on substantially the same law: (1) the effect of the Class Action Settlement of alleged misrepresentation claims in *McKnight v. Uber Technologies, Inc.*, 14-cv-05615 (N.D. Cal.); (2) California Unfair Competition Law; (3) injunctive relief; and (4) the applicability of California Public Utilities Code § 5354.

Uber’s sixth motion seeks dismissal of an individual action, *K.P. v. Uber Technologies, Inc.*, Case No. 1:23-cv-02580-GLR (D. Md.), based on the sufficiency of the

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<sup>1</sup> As set forth in Pretrial Order No. 5, Uber does not waive any statute of limitations defenses, and reserves the right to bring future Rule 12 or other dispositive motions based on such defenses.

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complaint in that action. That case involves an incident which allegedly occurred in the United Arab Emirates. The motion was originally filed in substantially the same form in the District of Maryland on January 12, 2024, but was not fully briefed or decided before the case was transferred to this Court on February 5, 2024. Uber respectfully re-notices the motion before this Court.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. A. Atkins", with a long horizontal line extending to the right.

Robert A. Atkins

cc: Rachel Abrams  
Roopal P. Luhana  
Sarah R. London